

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA**

IN RE: COLTON AND STEPHANIE OSBORN,
ET AL.

CASE NO. 24-40202-BSK

CHAPTER 12

Debtors.

**MOTION: (I) TO LIMIT NOTICE OF DEBTORS' MOTION PURSUANT TO 11
U.S.C. §§ 105, 363, AND FED. R. BANKR. P. 6004 & 9019 TO APPROVE
SETTLEMENT AGREEMENT; AND (II) MOTION TO SET SHORTENED
RESISTANCE DEADLINE**

COMES NOW COME NOW, Colton and Stephanie Osborn, C&S Ag, LLC, and C&S Organics, LLC (collectively, the "Debtors"), as debtors and debtors in possession in the above-captioned chapter 12 cases (collectively, the "Chapter 12 Cases"), pursuant to section 105(a), Rules 2002, 1007, 6003, 6004 and 9019 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and Rule 9013-1 of the Nebraska Rules of Bankruptcy Procedure (the "Local Rules") for an order approving notice procedures and shortened resistance deadline as described herein. In support of this motion (the "Motion"), Debtors respectfully represent as follows:

1. On March 8, 2024, (the "Petition Date"), each Debtor filed a voluntary petition for relief under chapter 12 of the Bankruptcy Code. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1334 and venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. By Nebraska General Rule 1.5 of the United States District Court for the District of Nebraska, the District Court has referred all bankruptcy cases to the Bankruptcy Court for initial determination, as permitted by 28 U.S.C. § 157(a). This is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A) and (O), and Debtors consent to entry of a final order by the Court in connection with this Application to the extent it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments in connection herewith consistent with Article III of the United States Constitution.
2. On August 7, 2024, Debtors filed their Motion Pursuant To 11 U.S.C. §§ 105, 363, And Fed. R. Bankr. P. 6004 & 9019 To Approve Settlement Agreement (the "9019 Motion"). Filing No. 107.
3. The 9019 Motion drew a limited objection from the Chapter 12 Trustee to set up a mechanism to resolve the same and seek approval of said resolution with the Court. Filing No. 123.
4. On August 29, 2024, the Court denied the 9019 Motion without prejudice as the result of a lack of a certificate of service. Filing No. 124.
5. On September 3, 2024, Debtors filed a renewed 9013-1 and certificate of service related to the 9019 Motion. Filing Nos. 127 and 128.
6. On September 16, 2024, the Court denied the 9019 Motion, stating "The motion to approve compromise (Doc. #107) is denied. The movant did not serve all parties in interest. This is a jointly administered case. The movant served only the matrix for one case, Case No. BK 24-40202. The movant must serve the mailing matrix from each case to serve all parties. See Doc. #96. This is especially true because the motion seeks to allow the creditor's claim. To avoid uncertainty, the movant should refile the motion as a separate docket entry and serve all interested parties." Filing No. 139.
7. Contemporaneously herewith, Debtors filed their Renewed Motion Pursuant To 11 U.S.C. §§

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105, 363, And Fed. R. Bankr. P. 6004 & 9019 To Approve Settlement Agreement (the “Renewed 9019 Motion”. This Motion must be served on all creditors in interest across all three joint cases – therein lies the rub.

8. A review and analysis of the three matrices for the joint cases reveals a significant duplication and/or triplication of creditors. More specifically, only 5 of 51 creditors on the matrices for Case No. 24-40200 (C&S Ag, LLC) and Case No.24-40201 (C&S Organics, LLC) are not already on the official mailing matrix for Case No. 24-40202 or receiving CM/ECF notice of filings, to wit:¹

Country Partners Cooperative , P.O. BOX 80, Gothenburg, NE 69138-0080
Express Tech-Financing, LLC, 8930 E Raintree Drive, Scottsdale, AZ 85260-7029
First State Bank, PO Box 79, Gothenburg, NE 69138-0079
Meridian Equipment Finance, LLC, 9 Lincoln Hwy., Malvern, PA 19355
North Mill Credit Trust, 601 Merritt 7, Suite 5, Norwalk, CT 06851-1097
North Mills Credit Trust, 81 Throckmorton Ave, Suite 203, Mill Valley, CA 94941-1930

9. Stated another way, other than the above parties, the creditor matrix for Case No. 24-40202 contains all other creditors on the matrices for Case Nos. 24-40200 and 24-40201. As a result, strict compliance with the order at Filing No. 139 would result duplication or triplication of notice of the Renewed 9019 Motion to at least 46 entities or persons (all of whom received notice of the prior 9013 Motion and did not object thereto).

10. Fed. R. Bankr. P. 2002(a) provides that, unless otherwise ordered by the bankruptcy court, notice of certain matters must be given to, among others, all of a debtor’s creditors, equity security holders, and other parties in interest.

11. The Bankruptcy Rules further provide that “[t]he court may from time to time enter orders designating the matters in respect to which, the entity to whom, and the form and manner in which notices shall be sent except as otherwise provided by these rules.” Fed. R. Bankr. P. 2002(m); *see also* Fed. R. Bankr. P. 9007 (“When notice is to be given under these rules, the court shall designate, if not otherwise specified herein, the time within which, the entities to whom, and the form and manner in which the notices shall be given.”).

12. By this Motion, Debtors seek an order limiting *mailing notice* of the Renewed 9019 Motion to those parties attached hereto as Exhibit A, which list contains all known creditors from these three related cases without duplication. In addition, all parties receiving notice of any filing through the CM/ECF system shall receive notice of the Renewed 9019 Motion electronically.

13. Debtors submit that the notice described in this Motion is reasonably calculated to provide all parties-in-interest notice of the Renewed 9019 Motion as required by the Bankruptcy Code, Bankruptcy Rules, Local Rules, and Filing No. 139, both by mail and/or CM/ECF system. This will greatly reduce administrative expenses by eliminating duplication or triplication of service of the Renewed 9019 Motion.

14. By this Motion, Debtors also seek an order shortening the resistance deadline to the Renewed 9019 Motion to ten (10) days. The vast majority of all Debtors’ creditors received notice of the prior

¹ Each of these creditors are on the mailing matrix for Case No. 24-40200 of C&S Ag, LLC.

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9019 Motion and only the Chapter 12 Trustee filed a limited objection. Debtors believe that such relief will not prejudice Debtors' creditor constituencies under the circumstances.

WHEREFORE, Debtors respectfully prays this Court enter an order: (1) granting this motion in full; (2) limiting *mailing notice* of the Renewed 9019 Motion to those parties attached hereto as Exhibit A as well as all parties entitled to notice through the CM/ECF system; (3) shortening the resistance deadline to the Renewed 9019 Motion to ten (10) days; and (4) granting any other relief at equity or law this Court deems necessary.

Respectfully submitted.

Colton and Stephnie Osborn et al., Debtors.

By: /s/ Patrick R. Turner
TURNER LEGAL GROUP, LLC
Patrick Turner (NE Bar No. 23461)
14707 California Street, #1
Omaha, Nebraska 68154
Telephone: (402) 690-3675
pturner@turnerlegalomaha.com

Counsel for Debtors.

| Name | Address1 | Address2 | Address3 | City | State | Zip | CM/ECF Notice |
|-------------------------------------------------------------|---------------------------------------|------------------------------------|------------|------------------|-------|------------|---------------|
| Ag Resource Management | Attn Kate Reid | 420 Throckmorton Street,Suite 1100 | | Fort Worth | TX | 76102 | |
| Agrifund, LLC | 2727 W. 2nd St. Ste. 320 | | | Hastings | NE | 68901 | Yes |
| Alan Rickertson | 14405 Aquarius | | | Corpus Christi | TX | 78418 | |
| Altus Receivables Management | 2400 Veterans Memorial Blvd., Ste 300 | | | Kenner | LA | 70062 | |
| Apple Credit, Goldman Sachs Bank USA, Salt Lake City Branch | Lockbox 6112, P.O. Box 7247 | | | Philadelphia | PA | 19170-6112 | |
| Becks Hybrids | 6767 E 276th St. | | | Atlanta | GA | 46031 | |
| Bryan Health | PO Box 860578 | | | Minneapolis | MN | 55486 | |
| C T Corporation System, As Representative | 330 N Brand Blvd, Suite 700 | ATTN: SPRS | | Glendale | CA | 91203 | |
| Capital One | P.O. Box 60519 | | | City of Industry | CA | 91716-0519 | |
| Capital One | American InfoSource as agent | PO Box 71083 | | Charlotte | NC | 28272 | |
| Centris Credit Union | 13120 Pierce St. | | | Omaha | NE | 68144 | |
| Charles L. Litow | 1574 42nd St NE Ste 3 | | | Cedar Rapids | IA | 52402 | |
| Childrens Hospital | PO Box 952806 | | | St. Louis | MO | 63195-2806 | |
| Cobalt Credit Union | Attn Loan Solutions Recovery Dept | 7148 Towne Center Parkway | | Papillion | NE | 68046 | |
| Country Partners Cooperative | P.O. BOX 80 | | | Gothenburg | NE | 69138 | |
| Dawson County Treasurer | Bankruptcy Unit | 700 N Washington St | | Lexington | NE | 68850 | |
| Deere & Company | 6400 NW 86th St. | | | Johnston | IA | 50131 | |
| Deere Credit Services Inc | Attn Litigation & Recovery Department | PO Box 6600 | | Johnston | IA | 50131 | |
| Deere and CO. | C/O Fritz Stelich | 2120 S. 72nd Street | Suite 1500 | Omaha | NE | 68124 | |
| Deere Credit, Inc. | C/O Fritz Stelich | 2120 S. 72nd Street | Suite 1500 | Omaha | NE | 68124 | |
| John Deere Financial, FSB | C/O Fritz Stelich | 2120 S. 72nd Street | Suite 1500 | Omaha | NE | 68124 | |
| Downey Drilling | PO Box 278 | | | Lexington | NE | 68850 | Yes |
| ENT Physicians | PO Box 14099 | | | Belfast | ME | 04915 | |
| Express Tech-Financing, LLC | 8930 E Raintree Drive | | | Scottsdale | AZ | 85260 | |
| Extreme Ag | 72080 Rd 407 | | | Cambridge | NE | 69022 | |
| Farmop Capital, LLC | 30 E 7th St., #2650 | | | St. Paul | MN | 55101 | Yes |
| Financial Pacific Leasing, Inc. | 3455 S. 344th Way | Suite 300 | | Federal Way | WA | 98001 | |
| First Financial Bank | 214 North Washington Street | | | El Dorado | AR | 71730 | Yes |
| First State Bank | PO Box 79 | | | Gothenburg | NE | 69138 | |
| Ford Credit | National Bankruptcy Service. | PO Box 62180 | | Colorado Springs | CO | 80962 | Yes |
| GM- Colton, Goldman Sachs USA | PO Box 70379 | | | Philadelphia | PA | 19176 | |
| Gothenburg Irrigation | PO Box 328 | | | Gothenburg | NE | 69130 | |
| Great Plains Health | 601 W. Leota St. | | | North Platte | NE | 69101 | |
| Gregg J. Stratman | U.S. Small Business Adminstration | 10675 Bedford Ave., Suite 100 | | Omaha | NE | 68134 | |
| Internal Revenue Service | Centralized Insolvency Operation | P.O. Box 7346 | | Philadelphia | PA | 19101-0000 | |
| Kam Ag | 724 E Blue Stem LN. | | | North Platte | NE | 69101 | Yes |
| Kerry and Michael Sides | 724 E Blue Stem LN. | | | North Platte | NE | 69101 | Yes |
| James Overcash | 301 South 13th Street | Suite 500 | | Lincoln | NE | 68508 | Yes |
| Lincoln Endoscopy Center LLC | 4545 R Street | Ste. 101 | | Lincoln | NE | 68503 | |
| Lisa Pebley | 1109 N. Jackson. | | | Lexington | NE | 68850 | |
| M2 Equipment Finance LLC | 175 N Patrick Blvd, Ste 140 | | | Brookfield | WI | 53045 | |
| Meadowlark Lands Op I, LLC | 1001 Farnam Street, Suite 200 | | | Omaha | NE | 68105 | Yes |
| Meridian Equipment Finance, LLC | 9 Lincoln Hwy. | | | Malvern | PA | 19355 | |
| Nebraska Department of Revenue | Bankruptcy Unit | P.O. Box 94818 | | Lincoln | NE | 94818-0000 | |
| Nelnet | 121 S. 13th Street | | | Lincoln | NE | 68508 | |

| | | | | | | | |
|----------------------------------------|--------------------------------|--------------------|------------|------------------|----|------------|-----|
| North Mills Credit Trust | 81 Throckmorton Ave, Suite 203 | | | Mill Valley | CA | 94941 | |
| North Mills Credit Trust | 601 Merritt 7 | Suite 5 | | Norwalk | CT | 6851 | |
| Osborn Kevin and Teresa | 42849 Road 765 | | | Cozad | NE | 69130 | Yes |
| Osborn Land and Cattle, LLC | 42669 Road 762 | | | Cozad | NE | 69130 | Yes |
| Outdoor Bank | 2401 N. Seth Child Rd | | | Manhattan | KS | 66503 | Yes |
| Panoke Repair Inc | 4018 A St. Rd | | | Beaver Crossing | NE | 68313 | |
| Paypal Credit, SYNCB | P.O. Box 71707 | | | Philadelphia | PA | 19176-1707 | |
| PHI Financial Services | 1574 42nd St NE | Suite 3 | | Cedar Rapids | IA | 52402 | |
| Pottery Barn | P.O. Box 60519 | | | City of Industry | CA | 91716-0519 | |
| Quantum 3 Group, LLC | Agent for Comenity Bank | PO Box 788 | | Kirkland | WA | 98083 | |
| Regions Bank | d/b/a/ Ascentium Capital | 23970 HWY 59 N | | Kingwood | TX | 77339 | |
| Reinke Manufacturing | c/o Dick Garden | 233 S. 13th Street | Suite 1900 | Lincoln | NE | 68508 | |
| State Bank Of Bartley | 402 Commercial Street | | | Bartley | NE | 69020 | Yes |
| Synchrony Bank | AIS InfoSource LP as agent | PO Box 4457 | | Houston | TX | 77210 | |
| Tcf National Bank | 11100 Wayzata Blvd., Ste 801 | | | Minnetonka | MN | 55305 | |
| The Andersons, Inc. | Robert C. Gallup | 801 Grand Avenue | | Des Moines | IS | 50309 | |
| Comenity Bank | Attn: Bankruptcy Dept. | PO Box 182125 | | Columbus | OH | 43218 | |
| U.S. Small Business Administration | 1545 Hawkins Blvd., Suite 202 | | | El Paso | TX | 79925 | |
| Union Bank & Trust | PO Box 82535 | | | Lincoln | NE | 68501 | |
| Waite & McWha Law Firm | PO Box 38 | | | North Platte | NE | 69103 | |
| Western Equipment Finance, Inc. | PO Box 640 | | | Devils Lake | ND | 58301 | Yes |
| Wilmington Trust, NA, Collateral Trust | 1100 North Market Street | | | Wilmington | DE | 19890 | |